



TOWN OF EAST HAMPTON

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Planning Department
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SITE PLAN/SPECIAL PERMIT EVALUATION

Wallace & Delaney Residence

SCTM#300-17-1-10

App#: A52020007

Prepared by: Fabiha A. Mubassirah, Planner

F.M.

Date: March 04, 2020

1. APPLICATION INFORMATION

A. INFORMATION RECEIVED:

- Short Environmental Assessment Form (EAF) dated February 13, 2020;
- Septic Site Plan by TF Engineering, PLLC dated January 12, 2020;
- Plot 1 Architectural filing set: Existing Site (A101), Existing House Plans (A102), Existing Elevations ((A103), Proposed Site (A104), Basement Entry level (A105), Loft/Roof Plan (A106), Elevations (A107 & A108) dated November 27, 2019;
- Site Plan/Survey by Saskas Surveying Co. dated December 20, 2019.

B. DATE SUBMITTED: February 14, 2020

C. OWNER: Blair Wallace & Jessica Delaney

D. APPLICANT/AGENT: Britton Bistran

E. SCHOOL DISTRICT: Montauk

F. STREET NAME: 82 Fleming Road Montauk

G. TYPE OF STREET: Town

H. ZONING DISTRICT: RS: Resort Zoning District

I. SEQRA - TYPE OF ACTION: Type II

J. INVOLVED AGENCIES: Zoning Board of Appeals (ZBA), Architectural Review Board (ARB)

K. OTHER REVIEW: Suffolk County Department of Health Services (SCDHS)

2. DESCRIPTION OF PROJECT

- A. **PROPOSED USE(S) AS CLASSIFIED BY TOWN CODE:** Single-family residence
- B. **EXISTING USE(S) AS CLASSIFIED BY TOWN CODE:** Single-family residence
- C. **ARE THE EXISTING & PROPOSED USES PERMITTED OR SPECIAL PERMITTED BY THE TOWN CODE?** Expansion of single family residences require special permit use in the RS (Resort) zone
- D. **AREA OF PARCEL (SQUARE FEET):** Area to tie line: 13,219 sq. ft. and area to bluff crest: 9,359 sq. ft.
- E. **MOST RECENT CERTIFICATE OF OCCUPANCY:** None
- F. **DESCRIPTION OF EXISTING STRUCTURES:** 944 sq. ft. 1-story residence, 320 sq. ft. garage, small shed, concrete patio, stone driveway, staircase at bluff crest.
2010 approved structures- 210 sq. ft. non-conforming additions to existing residence, 54 sq. ft. of non-conforming entry porch and 287 sq. ft. of non-conforming brick in sand patio.
- G. **DESCRIPTION OF PROPOSED STRUCTURES:** renovate existing residence and addition of 1212 sq. ft. (one and two floor), 606 sq. ft. of basement, 404 sq. ft. deck, remove 160 sq. ft. of residence and 320 sq. ft. existing garage and install new I/A septic system.
- H. **EXISTING & PROPOSED LOT COVERAGE:**
Existing: 13.73%, Proposed: 19%
- I. **EXISTING & PROPOSED TOTAL COVERAGE:**
Existing: 32.98%, Proposed: 38.24%
- J. **HEIGHT OF PROPOSED STRUCTURES:** ~ 24'2 ½"
- K. **NUMBER OF STORIES OF PROPOSED STRUCTURES:** Two (2)
- L. **NUMBER OF EXISTING PARKING SPACES:** Four (4)
- M. **NUMBER OF PARKING SPACES REQUIRED:** Two (2)
- N. **TOTAL PARKING SPACES PROVIDED:** Two (2)
- O. **VARIANCES REQUIRED:** A Natural Resource Special Permit pursuant to §255-4-20 and Variances from §255-4-40 Coastal Setback, §255-4-30 Wetland Setback and §255-11-10 Dimensional Regulations of the Town Code.
- P. **DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY?** Existing: to be determined. Proposed: information to be submitted
- Q. **DISTANCE TO PUBLIC WATER:** at Fleming Road
- R. **SOURCE OF WATER SUPPLY:** Public
- S. **TYPE OF SANITARY SYSTEM:** Individual Sanitary System
- T. **ARE EXISTING & PROPOSED SANITARY SYSTEMS DEPICTED:**
Yes
- U. **DO SANITARY CALCULATIONS COMPLY WITH SCDHS STANDARDS?** See discussion
- V. **NUMBER OF ACCESS POINTS:** One (1)

- W. **IS SIGHT DISTANCE ACCEPTABLE?** To be determined
X. **IS THE PROPOSAL ADA COMPLIANT?** To be determined

3. **SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)**

- The plans need to be revised to reflect the title of the site plan
- Renewal of prior approvals
- Natural Resource Special Permit
- Request of Variance from ZBA
- Revegetation Plan

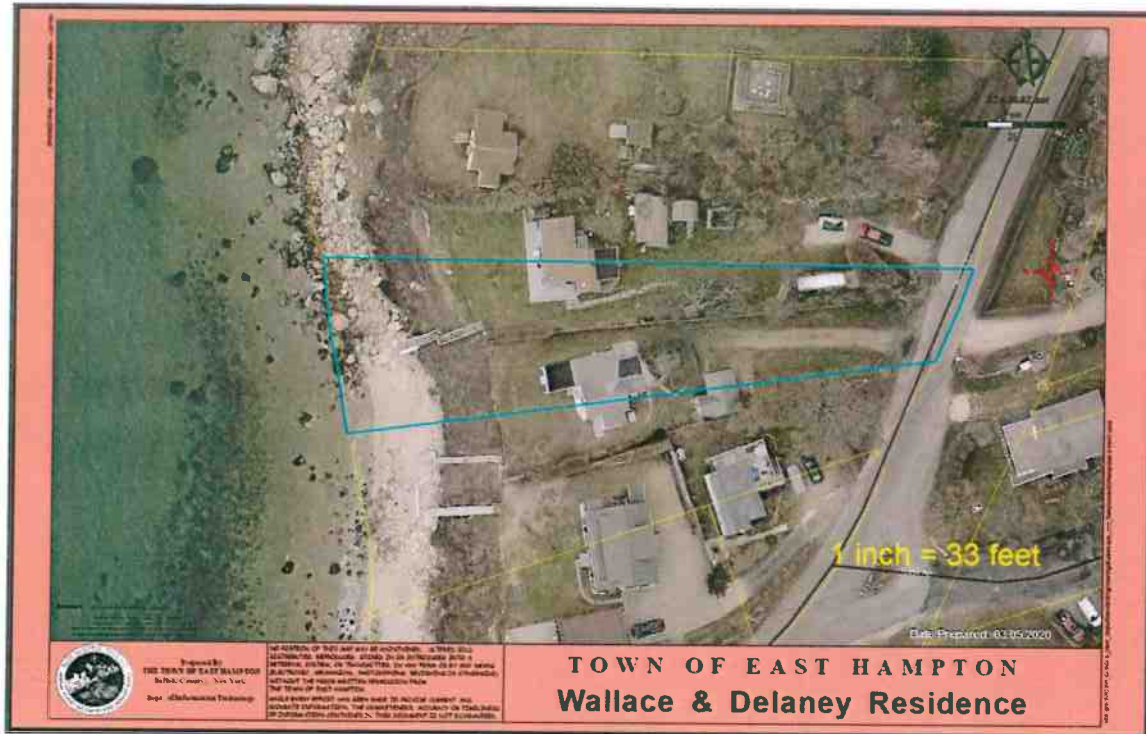
4. **SITE ANALYSIS:**

- A. **SOIL TYPE:** BhC: Bridgehampton silt loam, till substratum, 6-12 percent slopes
- B. **FLOOD HAZARD ZONE:** Zone X; partial VE Zone west of bluff crest
- C. **DESCRIPTION OF VEGETATION:** 100% cleared east of bluff crest
- D. **RANGE OF ELEVATIONS:** (24.9) – (29.2)
- E. **NATURE OF SLOPES:** 0' to ~30' AMSL
- F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** Fort Pond Bay
- G. **SETBACK FROM ANY WETLAND OR WATER BODY:** The site front on Fort Pond Bay
- H. **ARE THERE TRAILS ON SITE?** No
- I. **DEPTH TO WATER TABLE:** ~22' from 24' elevation; highest expected ground water on 1' tidal level
- J. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified
- K. **AGRICULTURAL DATA STATEMENT REQUIRED:** N/A
- L. **IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	Yes
PEP CLPS list	No
Town Community Preservation Fund List	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	No

Other Background Information:

The property is located on Fort Pond Bay at the intersection of Tuthill Road and Fleming Road in a Resort zoning district (RS) in Montauk. It is 9,359 sq. ft. in lot area (areas seaward of bluff crest deducted), currently improved with a 944 sq. ft. one-story residence, a 320 sq. ft. garage, a small shed, concrete patio and stone driveway. The subject parcel contains stairs from the bluff crest to the bottom of the bluff. The properties abutting the parcel are all zoned RS, but have residences located on them. There is no C.O. on record for this property, the most recent permit was a building permit for a minor (144 sq. ft.) addition granted in 1976.



Location of the site by Fort Pond Bay

The site plan application proposes to build a 606 sq. ft. two-story addition (total 1212 sq. ft. of gross floor area) to the existing residence with a 606 sq. ft. basement. A deck approximately 10' x 34' facing Fort Pond Bay and two (2) 77 sq. ft. decks on the south side of the proposed two story addition are proposed. A 160 sq. ft. non-conforming portion of the residence facing Fort Pond Bay and a 320 sq. ft. non-conforming garage will be removed. A new gravel driveway and a low nitrogen I/A septic system have been proposed. The proposed new gravel driveway will replace the existing stone driveway.



Existing garage to be removed



Existing stone driveway to be replaced by gravel driveway



The non-conforming portion of the residence to be removed

Issues for Discussion:

Special Permit Use

The use is classified as the enlargement of a single family residence and represents a special permit use in Resort zoning district. The following special standards in §255-5-50 of the Town Code apply to the proposal.

SINGLE-FAMILY RESIDENCE or ENLARGEMENT OF SINGLE-FAMILY RESIDENCE

- (1) Where the use proposed is the enlargement of a single-family residence, the Planning Board may require proof that the residence lawfully preexists any provision of this chapter which makes it nonconforming.
- (2) The Planning Board shall not issue a special permit for construction or enlargement of a single-family residence unless the Board specifically finds the construction or enlargement will not interfere with the future orderly development of the property involved, according to the existing zoning, or with the orderly growth of the surrounding area according to the existing zoning. In making this determination, the Planning Board shall be particularly careful to ensure that the proposed construction or enlargement will not create or contribute to traffic safety problems, problems with on-site or on-street parking, overcrowding of the surrounding area or visual impairment of the area should the residence be later converted to a permitted or specially permitted use other than a single-family residence.
- (3) These standards and safeguards shall not be deemed to apply to the issuance of a natural resources special permit for construction or enlargement of a single-family residence.

Previous Applications

A prior site plan approval (2010) named "Fischer Additions, Porch & Patio Site Plan/Special Permit Modification" granted approvals from the Planning Board to build three (3) separate additions: 49 sq. ft., 141 sq. ft. and 100 sq. ft. to the existing residence. Further improvements included a 287 sq. ft. brick and sand patio, as well as a 54 sq. ft. covered porch entry. The applicants also proposed to replace the existing sanitary system with a conventional system and to establish a 5' wide no-mow buffer along the bluff crest.

A determination filed April 20, 2010 for these improvements by the ZBA granted the previous applicants a Natural Resources Special Permit (NRSP) pursuant to §255-4-20 and variances from §255-4-40 (Coastal setbacks), §255-11-72 D (Height), §255-4-30 (Wetland setbacks) and §255-11-10 (Dimensional Regulations) of the Town Code. The following six (6) variances were granted- variances of 33' and 10' to locate the brick and

sand patio and 100 sq. ft. addition 67' and 90' respectively from the wetlands, where a 100' setback is required; variances of 52' and 39' were granted to locate the patio and 100 sq. ft. residential addition 23' and 36' from the bluff crest, where a 75' setback is required, a 2' pyramid variance was granted to allow the roof line to extend over the pyramid line from the south side, and a 2% variance was granted to allow lot coverage to be 17% where 15% is the maximum.

Renewal of Previous Approvals

The owners' intention to build the improvements has been delayed since the resolution adopted on August 25, 2010. After that, Planning Board, Zoning Board of Appeals and Building Permit approvals were extended yearly until August 09, 2017. No further action has been taken later on the prior approvals. The applicants need to request an extension of the approvals, comply with conditions of the site plan, ZBA approvals and building permit, request inspections and obtain a certificate of occupancy for these improvements.

SEQRA

The project is a Type II Action pursuant to SEQRA and Chapter 128 of the Town Code.

Building Coverage Variance

The square footage of the existing residential building is 1,285 sq. ft. or 13.73% and a 2010 variance granted approval for a building coverage of 1,581 sq. ft. or 17%. The proposed structures will increase the building coverage to 1,778 sq. ft. or 19%, where the maximum permitted building coverage is 1,403 sq. ft. or 15% in a Resort zoning district as defined in §255-1-20 of the Town Code. The applicant will need to obtain a lot coverage variance from the ZBA for increasing building coverage from 17% to 19%, where the maximum permitted in a Resort zoning district is 15%.

Yard Setback Relief (Four-Tenths Rule)

The proposed addition to the residence has been sited following the four-tenths rule of the Town Code §255-1-43 (Yard setback relief) based on having a relatively narrow lot width. The Code states that the required side yards for a non-conforming lot as to lot width shall be reduced to no less than 4/10 times 4/10 or 0.16 times of the lot width. The proposed setbacks provided are 16.9' and 13.8' on the western building line, where 8.73' is required, and 14.2' and 17.4' on the eastern building line, where 7.73' is required. Planning Department finds that the provided setbacks for the new addition of the residence are in accordance with the four-tenths rule of the Town Code.

Pyramid Law

Sheet A108 of the plans indicates that the two story addition will comply with the Pyramid Law.

Map Revisions

The map needs to be revised to provide the setbacks to the proposed structures from the mean high water line (MHW) and from the bluff crest, and not from the toe of the bluff as is currently shown. The dimensions of the proposed deck also need to be shown on the

map. Revised plans labeled with the title of the site plan, Wallace/Delaney Residence Site Plan, also need to be submitted.

Natural Resources Special Permit

The applicant has proposed to build a deck and rebuild the existing staircase in the bluff area which fall within the Natural Resources Special Permit jurisdiction of 100' of the bluff crest and 150' of tidal wetlands. Also, §255-4-20 of the Town Code states that constructing or installing any cesspool or septic tank within 200 feet of tidal wetland will require a NRSP; whereas the applicant has proposed a new sanitary system 162.6' from the mean high water line.

Natural Resource Setback Variances

It appears that the applicant proposes to replace brick and sand patio, approved in 2010 but not constructed, with a larger deck. This new proposed deck will trigger the need for new variances due to the fact that the structure is situated roughly 26' from the bluff crest whereas a minimum 75' setback is required. Also, a wetland setback variance is needed as the deck is situated roughly 54.1' from the mean high water, where 100' setback is required from tidal wetlands.



The proposed deck will replace the non-conforming portion of the residence; situated roughly 26' from the bluff crest and 75' from the mean high water

No mow Buffer

Condition (3a) of approval dated on April 20, 2010 from ZBA requires that the applicant establish a 5' no mow buffer landward from the sea. The determination of the ZBA is following-

"A 5' no mow buffer shall be established landward and abutting the existing bluff crest. The no mow buffer shall be planted with a row of woody vegetation such as bayberry (or a substitute approved by the Board prior to planting) to delineate the landward extent of the buffer."

During a site visit, it appeared that the no-mow buffer zone is being mowed regularly. Thus, it does not appear that the condition required by the ZBA is being met. The buffer was recommended to help to reduce on-point pollutants, absorb storm water and prevent erosion.

The proposed map depicts an additional 5' no mow buffer that will be added to the prior approved 5' no mow buffer zone, which creates a 10' no mow buffer zone. This area should be delineated on the property by a line of native shrubs or by low fencing to insure it is respected and not mowed. It is noted that the ZBA may impose requirements on this area during review of the variance and NRSP application.



No mow buffer to be established along the bluff crest fencing

Title of Plans

All plans submitted for this application, including but not limited to site plans, septic plan, floor and elevation plans, need to be revised to label the title of the project, Wallace/Delaney Residence Site Plan. This title must be consistent with the title that the application was filed under unless an official request is made to modify the application name. All correspondence submitted should also be consistent with this title. This consistency is essential for record keeping purposes and any plans not so labeled will be required to be revised accordingly.

Suffolk County Department of Health Services (SCDHS)

The plans indicate that the applicant will replace the existing sanitary system with a low nitrogen I/A septic system. The addition of new septic system, three new bathrooms and a laundry in the basement will trigger the need for review from the Suffolk County Department of Health Services (SCDHS). The applicants are urged to submit an application to the SCDHS as soon as possible if they have not already done so.

Conclusion

The proposed two story addition and attached decks are proposed landward of the existing residence and meet zoning. The deck at the front of the house appears to require wetland and bluff crest setback variances. The project will increase building coverage

from 17% to 19%, where the maximum permitted is 15%, also resulting in the need for a coverage variance. The Planning Board will not be able to deem the application complete until and unless the applicant obtains these variances.

Planning Board Consensus

The Planning Board should advise the applicant as to whether revised plan that indicate the title of the site plan, the dimensions of the proposed decks, and the setbacks from the mean high water line and bluff crest line should be provided.

Additional comments: _____

The Planning Board should discuss whether a fence or row of native shrubs should be proposed to delineate the no mow zone.

Additional comments: _____

Additional Board Comments:

